

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

BIEBERSCHULTE et al.

Atty. Ref.: MJW-4358-16; Confirmation No. 4213

Appl. No. 10/522,918

TC/A.U. 1612

Filed: August 22, 2005

Examiner: Clark, S.E.

For: A PHARMACEUTICAL FORMULATION AND ITS USE IN THE TREATMENT OF  
INNER EAR DISEASES

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November 30, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL SUBMISSION**

Supplemental to the Amendment filed September 11, 2009, submitted herewith are  
executed Terminal Disclaimers that moot the rejections based on obviousness-type double  
patenting over claims of USP 5,563,140 and USP 6,573,265.

This application is submitted to be in condition for allowance and a Notice to that effect  
is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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